

## Summary

### *Diplomatic Asylum*

The aim of my thesis is to analyse the topic of diplomatic asylum in the light of the fact that diplomatic asylum is not universally codified nevertheless it is used in international practice. Main questions set for this thesis are: On what legal basis lies the practice of providing international protection in form of diplomatic asylum in countries that are not participating on international treaties concerning diplomatic asylum? Should this situation be called in different way e.g. humanitarian refuge? Why are states not able to find compromise in codifying this topic? What is a background for this inability - or rather unwillingness?

The thesis is divided into six main chapters, each of them trying to deal with the topic in different point of view and trying to find answers to the above stated questions. First chapter examines terminology of the topic using different encyclopaedias and vocabularies, finding that it is nearing Babylonian confusion of tongues. The following chapter goes back in history in order to find roots of asylum and more narrowly diplomatic asylum. This chapter is subdivided into two parts, because there is a huge difference between the development of diplomatic asylum in Europe and in Latin America, where diplomatic asylum survived until today and was even internationally codified. The third chapter analyses a case that emerged from complicated legal situation in Latin America, the Asylum case - still concentrating on universal level and questions set in the introduction. Chapter Four describes unsuccessful codification efforts in the United Nations after World War II and shows the creation of Vienna Convention on Diplomatic Relations and its imperfect provisions concerning inviolability of diplomatic missions. Fifth chapter provides three examples of granting diplomatic asylum/humanitarian refuge in Central Europe – Mindszenty case, Nagy case and a case of East Germans. Last chapter concentrates on new elements of a practice of providing international protection outside the territory of protecting state.

Conclusion tries to answer the initial question, mainly deals with the difference between diplomatic asylum and humanitarian refuge, stating that the term humanitarian refuge can be labelled as politically correct term.